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EXAMINER
LE, DEBBIE M

ART UNIT	PAPER NUMBER
2168	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/938,322	HE ET AL.
	Examiner	Art Unit
	DEBBIE M. LE	2168

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 February 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-13 and 17-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-13, 17-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's arguments filed on February 28, 2007. Claims 1-13, 17-24 are

pending for examinations.

Note: In view of new rejection under 35 U.S.C. 101, prosecution is hereby

re-issued as Non-Final Office Action.

Claim Objections

Claims 12 and 22 are objected to because of the following informalities:

In claim 12, line 10, the letter "**d**" appears before the term "color" should be

deleted.

In claim 22, the last line of the claim, the letter "**d**" appears before the term

"**color**" should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

Claims 22-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. On page 11, lines 11-12 of the specification applicant has provided evidence that applicant intends to claim "programs defining the functions... may be delivered to a computer via a signal carrier wave as such is drawn to a form of energy. Energy is not one of the four categories of invention and therefore these claims are not statutory. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not combination of substances and therefore not a composition of matter.

To expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 non-statutory above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four categories of invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

Claims 1-5, 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Wise et al (US Patent 5,884,262) in view of Tseng et al (6,172,974 B1).

As per claim 1, Wise discloses

'a service sniffer to direct inputs to a plurality of portals based on the type

of data received from a client device' as a call manager 210 receives voice

commands or keypad input from a user's telephone 10 and sends it to a translator 220 if

the inputted data is a voice command, or sends it to a audio file player 270 if the

inputted data is a keypad type (Fig. 2, col. 6, lines 20-23, col. 6, lines 34-50, col. 9, lines

40-55). In the other word, the call manager 210 is equivalent to the instant claimed

limitation "**a service sniffer**", translator 220 or the audio file player 270 are equivalent to

the claimed invention limitation "**a plurality of portals**", a voice command or keypad is

equivalent to the claimed invention limitation "**the type of data**", a user's telephone 10

is equivalent to the claimed invention limitation "**a client device**";

'a command interpreter engine coupled to one or more of the plurality of

portals to detect keywords in speech' as a translator 220 connects to the call

manager 210 for translating the user's voice command to a subject word or phrase,

such as "Washington D.C. area weather" (col. 6, lines 18-25, 31-35);

'a search and analysis engine to search a network for contents based on

the keywords as the subject word or phrase (i.e., "Washington D.C. area weather") is

sent to a Searcher 240, (i.e., search engine Web Crawler™ or Lycos™) to search for

related files on a target computer network (i.e., Internet) relating the subject word or

phrase (col. 6, lines 40-46); **and**

'a transformation engine to convert a data format used in the contents

retrieved from the network into a format supported by the client device' as a

search is conducted and the Search 240 finds URLs of Web Pages relating to the

subject or phrase, "Washington D.C. area weather", the file addresses from the

searcher are transformed into an audio menu so that the user may select a single

addresses (col. 6, lines 46-62).

Wise does not explicitly teach data received includes a compressed speech

input. However, Tseng discloses **data received includes a compressed speech**

input (as receiving the compressed speech from a mobile user station, col. 1, lines 18-

25, 49-53). Thus, it would have been obvious to one of ordinary skill in the art at the

time invention was made to combine the teachings of the cited references to allowing

transmitting data from the user in the compressed speech as disclosed by Tseng

because it would provide the beneficial of compressing speech for ratio frequency (RF)

transmission is that it uses less of the limited available RF bandwidth for transmission. I

As per claim 2, Wise teaches **wherein the transformation engine is to convert an image from one format into another format** as an image file has an HTML, which contains text, the system read the text file and use a text-to-speech engine to convert the document to audio information (col. 2, lines 15-18, col. 8, lines 14-18).

As per claim 3, Wise teaches **wherein the service sniffer is adapted to distinguish between traditional telephone service, DSR (distributed speech recognition) services, and IP (Internet protocol) services** as the call manager 210 has functionality that it can detect/recognize, and send a client request to an appropriate destination based on the type of data received from the user 10, as detailed explanation in claim 1 above. As shown, the call manager can send the inputted data to the translator 210 is equivalent to the claimed limitation "**DSR (distributed speech recognition) services,**" or the call manager can send the inputted data to the audio file player 270 is equivalent to the claimed limitation "**traditional telephone service,**" (Fig. 2) or the call manager could reside elsewhere in the system, such as in a server IP that may be used to establish a communication link between an IP and other machines in the Advanced Intelligent Network (AIN) services (col. 8, lines 29-43) is equivalent to the claimed limitation "**IP (Internet protocol) services**".

As per claim 4, Wise teaches **wherein the service sniffer is to direct telephone service to a voice portal** as the call manager sends the data inputted by the user 10 to the audio file player 270 when the data type is a keypad type (Fig. 2, # 270, col. 5, lines 45-55).

As per claim 5, Wise teaches **wherein the service sniffer is to direct DSR (distributed speech recognition) services to a DSR portal** as the call manager sends the data inputted by the user 10 to the translator 210 when the data type is a voice command type (Fig. 2, # 210, col. 6, lines 20-28).

As per claim 8, Wise teaches **a text-to-speech engine to translate text in the contents into audio speech** as an image file has an HTML, which contains text, the system read the text file and use a text-to-speech engine to convert the document to audio information (col. 2, lines 15-18, col. 8, lines 14-18).

As per claim 9, Wise teaches **a speech coder to compress audio to accommodate bandwidth of a transmission medium between the client device and the gateway** as audio information is formatted and placed in packets by a speech IP for transmission across network (col. 7, lines 46-47, col. 9, lines 47-49).

As per claim 10, Wise teaches **a publish rendering engine to convert a display page into multiple pages** as converting document format HTML into view the next page of the document, view the previous page of the document of World Wide Web page (col. 4, lines 48-49, col. 1, lines 9-11).

As per claim 11, Wise teaches **a publish rendering engine to convert a display line into multiple lines** as converting document format HTML, go back two lines in the document, go forward two lines in the document (col. 4, lines 50-51 col. 1, lines 9-11).

Claims 12-13, 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wise et al (US Patent 5,884,262) in view of Luzeski et al (US Patent 6,430,177 B1), view of Aarnio et al (US Patent 6,801,793 B1) and further in view of Balog et al (US Patent Application 2002/0022453 A1).

As per claim 12, Wise discloses a method, comprising:

'**receiving a user input including data from a client device**' as a call manager 210 receives voice commands or keypad input from a user's telephone 10 (Fig. 2, col. 5, lines 45-49, col. 6, lines 14-15);

'**directing the input to one or more of a plurality of portals based on the type of data received in the user input**' as a call manager 210 receives voice commands or keypad input from a user's telephone 10 and sends it to a translator 220 if the inputted data is a voice command, or sends it to a audio file player 270 if the inputted data is a keypad type (Fig. 2, col. 6, lines 20-23, col. 6, lines 34-50, col. 9, lines 40-55);

'**extracting a feature from the data included in the user input**' as a translator 220 translates the user's voice command to a subject word or phrase (i.e., "Washington D.C. area weather" (col. 6, lines 24-25, 31-35);

'**translating the feature into a request**' as the subject word or phrase (i.e., "Washington D.C. area weather") is sent to a Searcher 240, (i.e., search engine Web Crawler™ or Lycos™) to search for related files on a target computer network (i.e., Internet) relating the subject word or phrase (col. 6, lines 40-46);

'retrieving contents from a network based on the request and adapting the

contents to a client' as a search is conducted and the Search 240 finds URLs of Web

Pages relating to the subject or phrase, "Washington D.C. area weather", the file

addresses from the searcher are transformed into an audio menu so that the user may

select a single addresses (col. 6, lines 46-62).

Wise does not explicitly teach receiving a description of a client device's

capabilities. However, Luzeski discloses **receiving a description of a client device's**

capabilities (as accepting request to read an e-mail or listen to a voice mail from a

client, see abstract). That is, Luzeski teaches, receiving client's request in various types,

such as "to read an e-mail" or "to listen to a voice mail". Thus, the description of a client

device's capabilities is that the client device has the capability to read the e-mail,

therefore, the message platform passing prescribed types of information (e-mail) back

to the client device. Thus, it would have been obvious to one of ordinary skill in the art at

the time invention was made to combine the teachings of the cited references to

implement the step of receiving a description of a client device's capabilities as

disclosed by Luzeski because each device would have its own characteristics, and

wherein the Luzeski's message platform system may have hundreds of thousands of

subscribers. Thus, to substantially best suited for the delivery of the content (i.e.,

passing prescribed types of information (e-mail)) to individual client's device, Luzeski

provides options so that a user can describe to the system his or her own device's

capabilities so that the information can be successful deliver to the client based on

client's preferences.

Wise discloses accessing information from a computer network via a telephone, PDA equipped with an audio input/output or other portable device, or other audio device (col. 1, lines 7-9). Wise further discloses the Search 240 finds URLs of Web Pages relating to the subject or phrase, "Washington D.C. area weather", the file addresses from the searcher are transformed into an audio menu so that the user may select a single addresses (col. 6, lines 46-62). Wise and Luzeski do not explicitly teach adapting the contents to a screen size of the client. However, **Aarnio** teaches **adapting the contents to a screen size of the client'** as depending upon the capability of a device's display, outputting to a user the maximum amount of received messages (col. 2, lines 5-15, 33-35). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to provide an adapting the contents to a screen size of the client as disclosed by Aarnio because it would provide user's display device of Wise's system and Luzeski's system the ability to present the entire content of incoming messages and output the maximum amount a received messages on their screen, for example, the entire content message can be seen at one time on the display, as suggested by Aarnio (see col. 1, lines 31-47).

Wise, Luzeski, and Aarnio do not explicitly teach wherein the adapting further comprises adapting the contents to a screen resolution, a color depth of the client. However, **Balog** teaches **adapting the contents to a screen resolution, a color depth of the client'** as screen resolution, screen color depth (par. 0030). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to implement the step of

adapting the contents to a screen resolution, a color depth of the client as taught by

Balog because each device would have its own characteristics, therefore, the service

provider 12 adopts a protocol that is substantially best suited for the delivery of the

content to the client's device (i.e., a user has a plurality of devices, the user may define

a list of preferred devices and create a mapping of the type of content that each of the

device can render (Balog, parg. 0031, lines 1-4) in order to optimize for successful

content delivery based on user's preferences.

As per claim 13, Wise teaches **wherein the adapting further comprises**

converting text to audio speech as an image file has an HTML, which contains text,

the system read the text file and use a text-to-speech engine to convert the document to

audio information (col. 2, lines 15-18, col. 8, lines 14-18).

As per claim 17, Wise teaches **converting a display page into multiple pages**

as converting document format HTML, view the next page of the document, view the

previous page of the document of World Wide Web page (col. 4, lines 48-49, col. 1,

lines 9-11).

As per claim 18, Wise teaches **converting a display line into multiple lines** as

converting document format HTML, go back two lines in the document, go forward two

lines in the document (col. 4, lines 50-51, col. 1, lines 9-11).

As per claim 19, Wise teaches **wherein the user input comprises an address**

of the contents as go the document given as a URL (col. 4, line 64).

As per claim 20, Wise teaches **wherein the address is a uniform resource**

locator as URL(col. 4, line 64).

As per claim 21, Wise teaches wherein **the feature further comprises at least one keyword in the user input** as the subject word or phrase is "Washington D.C. area weather" (col. 6, lines 24-25, 31-35)

As per claim 22, Wise discloses:

'receiving a user input including data from a client device' as a call manager 210 receives voice commands or keypad input from a user's telephone 10 (Fig. 2, col. 5, lines 45-49, col. 6, lines 14-15);

'directing the input to one or more of a plurality of portals based on the type of data received in the user input' as a call manager 210 receives voice commands or keypad input from a user's telephone 10 and sends it to a translator 220 if the inputted data is a voice command, or sends it to a audio file player 270 if the inputted data is a keypad type (Fig. 2, col. 6, lines 20-23, col. 6, lines 34-50, col. 9, lines 40-55);

'extracting a feature from the data included in the user input' as a translator 220 translates the user's voice command to a subject word or phrase (i.e., "Washington D.C. area weather" (col. 6, lines 24-25, 31-35);

'translating the feature into a request' as the subject word or phrase (i.e., "Washington D.C. area weather") is sent to a Searcher 240, (i.e., search engine Web Crawler™ or Lycos™) to search for related files on a target computer network (i.e., Internet) relating the subject word or phrase (col. 6, lines 40-46);

'retrieving contents from a network based on the request and adapting the contents for transmission to a telephone' as a search is conducted and the Search

240 finds URLs of Web Pages relating to the subject or phrase, "Washington D.C. area

weather", the file addresses from the searcher are transformed into an audio menu so

that the user may select a single addresses (col. 6, lines 46-62).

Wise does not explicitly teach receiving a description of a client device's

capabilities. However, Luzeski discloses **receiving a description of a client device's**

capabilities (as accepting request to read an e-mail or listen to a voice mail from a

client, see abstract). That is, Luzeski teaches, receiving client's request in various types,

such as "to read an e-mail" or "to listen to a voice mail". Thus, the description of a client

device's capabilities is that the client device has the capability to read the e-mail,

therefore, the message platform passing prescribed types of information (e-mail) back

to the client device. Thus, it would have been obvious to one of ordinary skill in the art at

the time invention was made to combine the teachings of the cited references to

implement the step of receiving a description of a client device's capabilities as

disclosed by Luzeski because each device would have its own characteristics, and

wherein the Luzeski's message platform system may have hundreds of thousands of

subscribers. Thus, to substantially best suited for the delivery of the content (i.e.,

passing prescribed types of information (e-mail)) to individual client's device, Luzeski

provides options so that a user can describe to the system his or her own device's

capabilities so that the information can be successful deliver to the client based on

client's preferences.

Wise discloses accessing information from a computer network via a telephone,

PDA equipped with an audio input/output or other portable device, or other audio device

(col. 1, lines 7-9). Wise further discloses the Search 240 finds URLs of Web Pages relating to the subject or phrase, "Washington D.C. area weather", the file addresses from the searcher are transformed into an audio menu so that the user may select a single addresses (col. 6, lines 46-62). Wise and Luzeski do not explicitly teach adapting the contents to a screen size of the client. However, **Aarnio** teaches **adapting the contents to a screen size of the client'** as depending upon the capability of a device's display, outputting to a user the maximum amount of received messages (col. 2, lines 5-15, 33-35). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to provide an adapting the contents to a screen size of the client as disclosed by Aarnio because it would provide user's display device of Wise's system and Luzeski's system the ability to present the entire content of incoming messages and output the maximum amount a received messages on their screen, for example, the entire content message can be seen at one time on the display, as suggested by Aarnio (see col. 1, lines 31-47).

Wise, Luzeski, and Aarnio do not explicitly teach wherein the adapting further comprises adapting the contents to a screen resolution, a color depth of the client. However, **Balog** teaches **adapting the contents to a screen resolution, a color depth of the client'** as screen resolution, screen color depth (par. 0030). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to implement the step of adapting the contents to a screen resolution, a color depth of the client as taught by Balog because each device would have its own characteristics, therefore, the service

provider 12 adopts a protocol that is substantially best suited for the delivery of the content to the client's device (i.e., a user has a plurality of devices, the user may define a list of preferred devices and create a mapping of the type of content that each of the device can render,(Balog, parg. 0031, lines 1-4) in order to optimize for successful content delivery based on user's preferences.

As per claim 23, Wise teaches wherein the **feature comprises a keyword to be searched** as the subject word or phrase (i.e., "Washington D.C. area weather") is sent to a Searcher 240, (i.e., search engine Web Crawler™ or Lycos™) to search for related files on a target computer network (i.e., Internet) relating the subject word or phrase (col. 6, lines 40-46)

As per claim 24, Wise teaches wherein the adapting further comprises: **translating text in the contents into audio speech** as an image file has an HTML, which contains text, the system read the text file and use a text-to-speech engine to convert the document to audio information (col. 2, lines 15-18, col. 8, lines 14-18).

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wise et al (US Patent 5,884,262) in view of Tseng et al (6,172,974 B1) and further in view of Jimenez et al (US Patent Application No. 2002/0006124 A1).

As per claim 6, Wise discloses converting standard document format, such as electronic mail (E-mail), for use in an audio interface, locally or over a telephony network. Wise and Tseng do not explicitly teach a quality of service daemon to receive

quality of service requesting information from the client. However, Jimenez teaches **a quality of service daemon to receive quality of service requesting information from the client'** as a Quality of Service (QoS) telephony packet protocol endpoint to a call over the public switched telephone network (PSTN) to translating the signal into user-desired commands and carrying out desired actions of the user (par. 0005). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to provide a quality of service daemon to receive quality of service requesting information from the client as disclosed by Jimenez because it would enable users of Wise's system and Tseng's system to access and navigate from a wireless or wireline telephone for retrieving audio application attachments to e-mails and Web content, and for forwarding audio content to e-mail addresses and other web telephone subscribers, as suggested by Jimenez (see parg. 0002).

As per claim 7, **Wise and Tseng** do not explicitly teach wherein the quality of service daemon is further to adjust quality of service parameters of the client device according to network conditions and then to send the adjusted quality of service parameters to the client device. However, Jimenez teaches **wherein the quality of service daemon is further to adjust quality of service parameters of the client device according to network conditions and then to send the adjusted quality of service parameters to the client device'** as the availability of the network service such as the PSTN, can be configured to route traffic to a multiplicity of telephony gateways should a gateway not respond or has reached capacity (see parg. 0006, first 13-16,

parg. 0005, last 3 lines). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to adjust quality of service parameters of the client device according to network conditions and then to send the adjusted quality of service parameters to the client device as disclosed by Jimenez because it would provide loaded-balanced between network providers (i.e., telecommunication carriers) to prevent network failover in order to provide a desired service to a subscriber (i.e., avoiding data loss while transmitting audio information to the user), as suggested by Jimenez (see parg. 0004, last 2 lines and parg. 0006, first 2 lines and last 2 lines).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M. LE whose telephone number is (571) 272-4111. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DEBBIE LE
PRIMARY EXAMINER

5/18/07